COMMUNITY SUSTAINABILITY INITIATIVE

THE STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY (LDEQ)

THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY (EPA)

THE CITIES OF ALEXANDRIA, AND PINEVILLE, LA

STELLA-JONES, INC, ROY O. MARTIN, KISATCHIE TREATING, LLC

PROMOTING SUSTAINABILITY ACTIONS

FOR THE COMMUNITIES IN DISTRICT 3 IN ALEXANDRIA

and the southern portion of

DISTRICT 1 IN PINEVILLE, LA

****

February 25, 2015

I. PARTIES

~~The Louisiana Department of Environmental Quality ("LDEQ"), the United States Environmental Protection Agency ("EPA"), and the Cities of Alexandria and Pineville, who by the signature of their duly authorized and empowered agents, agree to the terms and conditions of this Community Sustainability Initiative ("Initiative") with the corporate entities described as the Stella Jones, Inc of Alexandria, Roy O. Martin and the Kisatchie Treating, LLC of Pineville, LA, (hereinafter "corporate entities").~~

Commented [FN1]: Do we need to take this paragraph out?

II. INTRODUCTION AND OBJECTIVES

With the help of local citizens, the EPA and LDEQ have identified an area within the Alexandria and Pineville communities that encompass two active creosoting sites specified under the Resource Conservation and Recovery Act (RCRA) program as large quantity generators, a federal Superfund site (Ruston Foundry) and also a state inactive site (Oilfield Scrap). All sites are located in a 1 ½ -mile radius and are within residential areas.

Within the 1.5 mile radius displayed in **Figure 1**, there are at least 13 schools that have been identified from the National Center for Education Statistics (NCES). In the 2012-2013 school year, there were 4,656 students enrolled. Of these students, 0.21% are American Indian/Alaskan, 1.72% are Asian/Pacific Islander, 62.82% are Black, 2.34% are Hispanic, 32.69% are White, and 0.21% are two or more races (NCES). Of these students 62.59% are eligible for a free lunch, while 13.51% are eligible for a reduced cost lunch (NCES). There are 8,025 people living within the 1.5 mile radius, and 2,218 of those people are under the age of 18 (2010 U.S. Census).

Figure 1 depicts the map of the community and locations of the two RCRA operating creosote sites and the Superfund and inactive sites (both federal and state). **Figure 2** depicts the locations of the Superfund and inactive sites and the proximity to Sandy Bayou **(**which joins Chatlin Lake Canal) and **Figure 3** depicts the demographic status of the area.

All parties have entered into this Initiative as a commitment to address social, environmental and economic issues and define specific actions that will improve public health while fostering equity and environmental justice. It is part of everyone's goal to move towards a more sustainable environment, which involves conserving natural resources, improving resource efficiency and improving community health and well-being.

The EPA and LDEQ are particularly interested in supporting this effort to further our goal of cleaning up communities and advancing sustainable development. Under this goal, the agencies are focused on providing support for disproportionately impacted low-income and minority communities. This Initiative may be used as a model to assist the agencies in moving beyond the traditional foundation of environmental protection to a more integrated cross-program approach to work towards a more sustainable future for our communities.

The mutual objective of the LDEQ, EPA, the Cities of Alexandria and Pineville, and the corporate entities is to integrate solutions towards a sustainable community environment. Together all parties agree to work towards the goal of a healthier environment for future generations. The roadmap to achieve the objectives as defined in the EPA Community-Focused Exposure and Risk Screening (C-FERST) tool are:

1) identify community concerns, 2) identify community vulnerable populations (including the schools depicted on Figure 1) as well as community assets, 3) organize information into priority actions, and to 4) identify solutions and a schedule for actions.

II. BACKGROUND INFORMATION

RCRA Site Information:

Roy O. Martin (AI #97707) is the previous owner/operator for both creosoting facilities in Alexandria and Pineville. The operating site in Alexandria was sold to Tangent Rail who subsequently sold to the Stella-Jones Corporation. The operating facility in Pineville is now operating as Kisatchie Treating, LLC. LDEQ has post closure permits for both sites still assigned to Roy O. Martin, as contaminated groundwater recovery is on-going as part of the corrective action programs. Post closure groundwater monitoring for closed RCRA units are part of permitting requirements for both sites.

Stella-Jones Corporation (AI# 11928): EPA and LDEQ collected off-site surface soil samples in May 2013 near the Stella Jones property. Surface soil sampling results showed elevated levels of polycyclic aromatic hydrocarbons (pahs) above the LDEQ Risk Evaluation Corrective Action Program (RECAP) screening numbers at two locations. Sample locations at the near-by school were below RECAP screening numbers. Of particular concern is the reported value of benzo (a) pyrene (bap) at 1.15 ppm at the Bethel Street location, and 2.4 ppm at the Hunter Street location. The RECAP screening number for bap is 0.33 ppm. Other pahs in excess of the RECAP residential screening numbers include benzo (a) anthracene, benzo (b) fluoranthene, dibenzo (a,h) anthracene and indeno (1,2,3) c,d pyrene. [*A recent Superfund plan for cleanup proposes a bap cleanup level of 0.466 and also reports that typical bap ranges for urban soils are 0.65 to 1.32 ppm*.] **Figures 4 and 5** indicate areas associated with treated tie storage from the Stella Jones operations. Stella- Jones completed off-site sampling at the Bethel Street location in September 2014 and sampling results are pending review.

Kisatchie Treating LLP (AI# 188240): EPA and LDEQ have not collected off-site surface soil samples from near the Kisatchie Treating operations. LDEQ completed off-site air sampling in October 2013 and in August 2014 for both facilities. The LDEQ used their mobile air monitoring lab (MAML) to collect data for semi-volatile organic compounds (SVOCs) in a 24-hour period. Sample results are above the EPA residential screening levels, but below the regulatory LDEQ Ambient air standards. LDEQ air sampling is scheduled for completion in 2015.

Roy O. Martin retained ownership of 11.87 acres in the northern section of the Stella Jones site in Alexandria and operates the groundwater recovery wells and monitoring wells for a delineated Dense Nonaqueous Phase Liquid (DNAPL) groundwater plume. Roy O. Martin is the owner/operator designated for the cleanup of groundwater for both creosote sites in Alexandria and Pineville and his company is actively pursuing cleanup according to the post closure permits with LDEQ at both sites.

Superfund and Inactive Sites:

Ruston Foundry (AI # 12443): The Ruston Foundry is a 6.86-acre site that was an inactive and abandoned foundry in operation from 1908 to 1985. The contaminants of concern for the Ruston site are lead and antimony. The original record of decision (ROD) was signed in 2002. The last explanation of significant difference (ESD) was signed in 2009, and reported that about 7,220 cubic yards of lead and antimony-

contaminated soils and sediment and 542.3 cubic yards of hazardous waste were excavated and disposed offsite. The Final Close-out Report dated 2010 states that soil and slag material was excavated from the canal area in June 2009. Seeding of the area occurred in July 2009, and some repair work to some eroded areas took place in August 2009 (rip-rap was placed on embankments). A Brownfields grant was awarded in 2008 and the City of Alexandria completed a Phase 1 assessment of the 30-acre site adjoining the 6.86-acre area. The 6.86-acre site has been removed from the NPL, and the property has no land use restrictions.

Oilfield Scrap and Equipment (AI# 112) is a state superfund site located at 704 Willow Glen Road, and the contaminants of concern are chromium, copper, lead, arsenic and polychlorinated biphenyls (PCBs). Four areas of contaminated soils are planned for excavation. **Figure 6** shows areas at Oilfield Scrap with elevated levels of metals scheduled for excavation. A portion of the Chatlin Lake canal adjacent to Oilfield Scrap is undergoing a city drainage improvement project and citizens have raised questions as to the re-use of soils in the area.

Solid Waste Site – Alexandria Iron and Supply (AI#40523):
The USEPA with the help of local citizens has also identified the "Alexandria Iron" a scrap metal recycler located 3 blocks north of the Ruston Foundry site. This solid waste site is owned and operated by the same responsible party (PRP) named at the Oilfield Scrap superfund site described above. Google Earth pictures show scrap metal, leaking containers, tires and other solid waste in large piles on the ground along several streets. **(Figures 7, 8 and 9).**

III. COMMITMENTS

The operating creosoting facilities, Stella-Jones, Inc. and Kisatchie Treating, LLC, through its agents or its contractors, have agreed to the following commitments:

Investigate and plan for enhanced sustainable operations with regard to waste generation and the treatment/storage of wood timbers through the following voluntary actions:

A. Conduct a Sustainability Assessment (SA) - This is the 'observation' step that assesses the environmental effect of a corporate process or operation. Included in this assessment is wastewater management, management of surface water/stormwater runoff including rainwater collection systems, land use management, leak detection and repair systems, and the collection and management of solid waste, (*i.e* looking for ways to divert materials from local landfills). The SA may address the potential for the safe reuse of materials that may have economic viability, to which the LDEQ and EPA can provide assistance using our Sustainable Materials Management (SMM) program. In addition, the assessment will review treated timber storage practices on site in an effort to make changes to common storage practices that will decrease the potential for nearby residents to be exposed to airborne constituents from the off-gassing of freshly treated timber.

B. Conduct an Impact Analysis - If the SA reveals that there are operations at each plant that are impacting the environment and the community, then an Impact Analysis will summarize the identified process and the impact as a Section in the Sustainability Assessment report.

C. Propose mitigating measures – A cost/benefit analysis will be performed on each process action

identified in the Impact Analysis including short term and long term benefits. A list of mitigating measures to optimize the environmental/social and economic outcome will be briefly summarized in a Section of the Sustainability Assessment report. A schedule for proposed actions will be included in the report.

D. Provide copies of the Sustainability Assessment report to the EPA, LDEQ (for input into the LDEQ Electronic Data Management System (EDMS), Cities of Alexandria and Pineville and in the community local library.

E. Participate in the Community Engagement Projects as appropriate, described in Section IV.

Roy O. Martin, and its agents or contractors, agree to the following commitments:

A. Provide copies to the repository of reports on the groundwater recovery effort that document the following; 1) the dissolved-phase DNAPL plume is contained, and plume-defining wells show that there is no offsite migration of contaminated groundwater, and 2) recovered groundwater meets treatment standards before released to the City POTW.

B. Continue with its efforts with LDEQ in expediting the remediation of the contaminated soils at the Winston Street section of property that was formerly a neighborhood street, as documented in the Risk Management Report.

E. Participate in the Community Engagement Projects as appropriate, described in Section IV.

The City of Alexandria and the City of Pineville, agree to participate in the Community Engagement Projects as described in Section IV.

The LDEQ, and its agents or its contractors agree to the following commitments:

LDEQ, with EPA assistance, will pursue collection of sediment sampling data for Sandy Bayou and Chatlin Lake Canal and provide this information at the local library. LDEQ will complete air sampling at the two creosoting sites for LDHH review and compile information in the local library. LDEQ may request EPA assistance with the storm water permit review to be conducted for both creosoting sites. LDEQ will also participate in the Community Engagement Projects as described in Section IV.

The EPA, and its agents or contractors will agree to the following commitments:

The EPA will supportt he LDEQ with sampling efforts by providing laboratory analyses, and provide support for the Sustainability Assessments from Stella-Jones and Kisatchie Treating. The EPA will also be available for report review for all remediation efforts for each of the corporate entities subject to RCRA. EPA is investigating the use of the C-FERST (Community-Focused Environmental Risk Screening Tool) as a means to organize and analyze cumulative risk information to present to all stakeholders.

Roles and Responsibilities of each stakeholder may be more defined in a Memorandum of Understanding (MOU), if needed.

IV. COMMUNITY ENGAGEMENT PROJECTS – *community stakeholders to provide input – an example of ideas is presented below:*

The community has defined several community engagement projects that they would like to participate in to improve public awareness and promote a healthier neighborhood:

A. Creation of a repository of information at the local (city? Church? Or school?) library. This repository will serve as a comprehensive site where information for both Superfund sites and RCRA sites will be at the same location and easily accessible to the public. (note: a web site or sharepoint might also be a tool to use).

B. Quarterly seminars on environmental education and health education held at a local school or park, with special topics on pre-natal, child care, elderly care, etc. or environmental topics such as composting and recycling. Because children eat, breathe and drink more relative to their body mass that adults do, they are more susceptible to environmental hazards than adults. They play close to the ground, and often put hands, toys and other items in their mouths. This is why it is important to educate the public regarding children's increased susceptibility to their environment, and how to protect them (www2.epa.gov/children).These seminars will be hosted by a rotation of persons representing the corporate entities, the City of Alexandria, the DHH, academia, and the LDEQ.

C. Health screenings (DHH)?

D. Community will identify Risk Reduction Actions to post in schools/libraries, etc.

E. Urban tree planting – to help reduce contaminants in the air

F. Educational programs for the schools – get a young 'green' group and inspire them to take care of their neighborhood – working with LA college groups to investigate green infrastructure projects to work with the cities, i.e, installing grass swales, building rain gardens (to enhance drainage control).

G. Project to define the communities "green assets" for future protection

H. Creation of a hands-on community health educational project such as "Healthy Homes" with free tours, workshops, educational displays on topics such as asthma triggers, lead poisoning, indoor air quality, and toxic chemicals.

V. QUALIFIED PROFESSIONALS

All work performed pursuant to this Initiative by the corporate entities and the agencies shall be under the direction and supervision of a qualified professional with expertise in environmental site assessment, sustainability, investigation, risk evaluation and/or remediation.

VI. SAMPLING/ANALYSIS, ACCESS AND DATA AVAILABILITY

The corporate entities agree to make available to LDEQ, the EPA and the Cities of Alexandria and Pineville the results of all sampling and/or tests or other data generated in implementing this Initiative. Copies of these reports will also be available for the community to review at the local library and in the LDEQ EDMS.

LDEQ, the EPA and the Cities of Alexandria and Pineville agree to make available to the corporate entities the results of sampling and/or tests or other data generated by LDEQ, EPA or the City of Alexandria.

VII. OFFICIAL ADDRESSES OF THE PARTIES

Correspondence and other documents to be submitted pursuant to this Initiative, including reports or plans, shall be sent to the following addresses or to such other addresses as the corporate entities, LDEQ, or EPA hereafter may designate in writing:

Stella-Jones, Inc.

Kisatchie Treating, LLC

Roy O. Martin,

City of Alexandria,

City of Pineville,

LDEQ:

Chance McNeely, Assistant Secretary
Office of Environmental Services
P.O. Box 4313
Baton Rouge, LA 70821-4313

EPA:

Ms. Susan Spalding, Associate Director for RCRA
Multimedia Planning and Permitting Division
Region 6
U.S. EPA

VIII. RESERVATION OF RIGHTS

Each party to the Initiative retains whatever rights and obligations it had before the Initiative was effective. Nothing in this Initiative should be construed to terminate, limit, or otherwise modify any right or obligation by any party to the Initiative. If this Initiative is terminated prior to completion of all activities under this Initiative, then all parties retain any and all rights they had prior to this Initiative becoming effective.

IX. INDEMNIFICATION OF THE UNITED STATES OF AMERICA AND THE STATE OF LOUISIANA

Parties of the corporate entities. (Stella Jones Corporation, Kisatchie Treating LLP, and Roy O. Martin LLP) agree to indemnify, save and hold the United States of America and the State of Louisiana, harmless from any and all claims or causes of action arising from or on account of acts or omissions, including its officers, employees, receivers, trustees, agents or assigns, in carrying out the activities and performing work pursuant to this Initiative. This indemnity does not extend to the liability, if any, of the state or any agency, department, officers, employees, agents, institution or political subdivision thereof as a generator or otherwise under La. R.S. 30:2271 *et seq*. or any other federal or state law prior to the effective date of this Initiative. This indemnity does not extend to claims or causes of action arising from or on account of acts or omissions of LDEQ or EPA, their employees, or contractors, performing work.

X. OTHER APPLICABLE LAWS

All actions required to be taken pursuant to this Initiative shall be undertaken in accordance with requirements of all applicable local, state, and federal laws and regulations.

XI. EFFECTIVE DATE, AMENDMENTS AND SUBSEQUENT NOTIFICATION

The effective date of this Initiative shall be the last date on which LDEQ, EPA, the City of Alexandria and the corporate entities have signed this Initiative.

No informal advice, guidance, suggestions, or comments by LDEQ or EPA regarding reports, plans, specifications, schedules, or any other writing submitted by the corporate entities will be construed as relieving the corporate entities of its obligations to obtain such formal acceptance as may be required by this Initiative or as an amendment to this Initiative unless formally agreed to by all parties to this Initiative.

Any reports, plans, specifications, schedules and attachments required by this Initiative are, upon acceptance by EPA and LDEQ, incorporated into this Initiative.

Commented [FN2]: Is the Termination and Satifaction clause needed??

~~XII. TERMINATION AND SATISFACTION~~

~~This Initiative shall be deemed satisfied and terminated upon of written notice from LDEQ, the EPA, and the City of Alexandria that the corporate entities have completed all of the tasks of this Initiative. Notwithstanding the foregoing, at any such time as the corporate entities believes that it has complied with all terms and conditions of this Initiative, it may, in writing, request that EPA and LDEQ determine whether this Initiative has been satisfied. EPA and LDEQ shall respond to said request within thirty (30) days of the receipt of the request.~~

XII. MODIFICATION

Any Section of this Initiative may be modified or amended by the EPA or LDEQ upon agreement from all signature parties. The EPA and LDEQ will be responsible for circulating modification or amendment language to all signature parties. All signature parties will agree to respond to the language modifications within 30 days. The EPA and LDEQ will be responsible for submitting updated copies of the Initiative to all signature parties within 30 days of the final agreement.

Commented [FN3]: This is a new Section added so that amendments or modifications may be made to the language.

XIII. PARTIES IN AGREEMENT

Any person's signature to the attached "Signature Page to the Initiative" shall constitute that person, as agent for a principal, to AGREE to the commitments in this Initiative as a voluntary non-binding agreement.

This Initiative applies to parties of the corporate entities, LDEQ, EPA, and the Cities of Alexandria and Pineville their agents, successors and assigns and upon all persons, contractors, and consultants acting under, or for the corporate entities, City of Alexandria, LDEQ, or EPA.

February 25, 2015

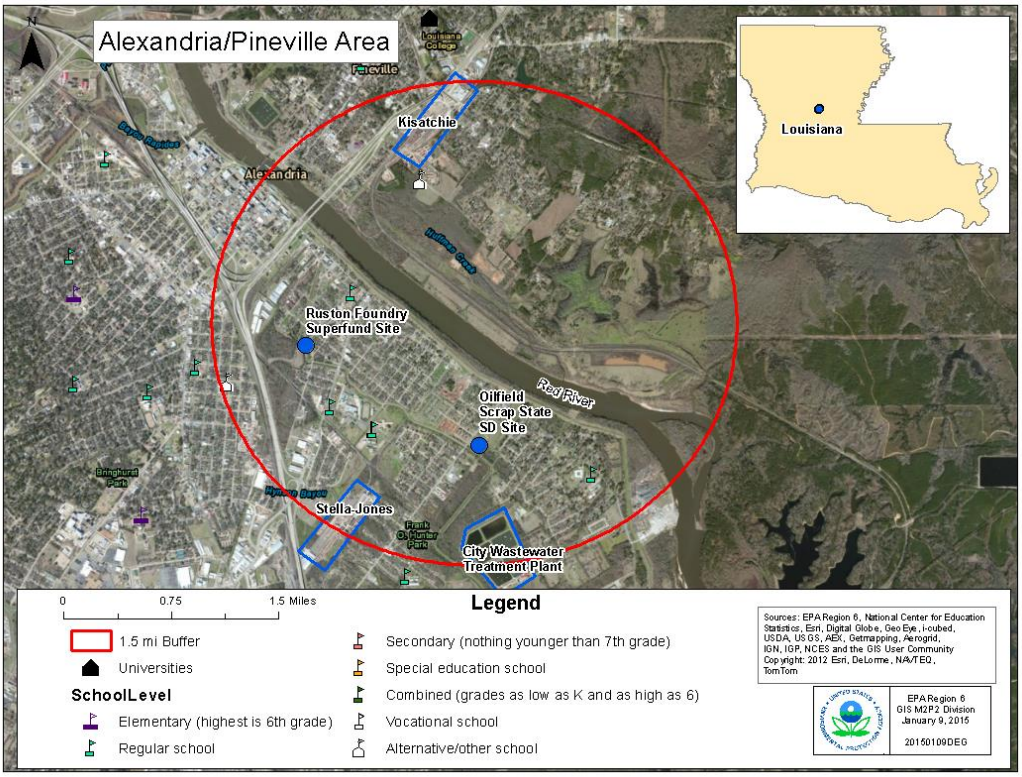
Signature Page to the Community Sustainability Initiative

_____	_____
Date	**Roy O. Martin**
_____	_____
Date	**Stella-Jones, Inc**
_____	_____
Date	**Kistachie Treating, LLC**
_____	_____
Date	**City of Alexandria**
_____	_____
Date	**City of Pineville**
_____	_____
Date	**Louisiana Department of Environmental Quality**
_____	_____
Date	**U.S. Environmental Protection Agency**

February 25, 2015

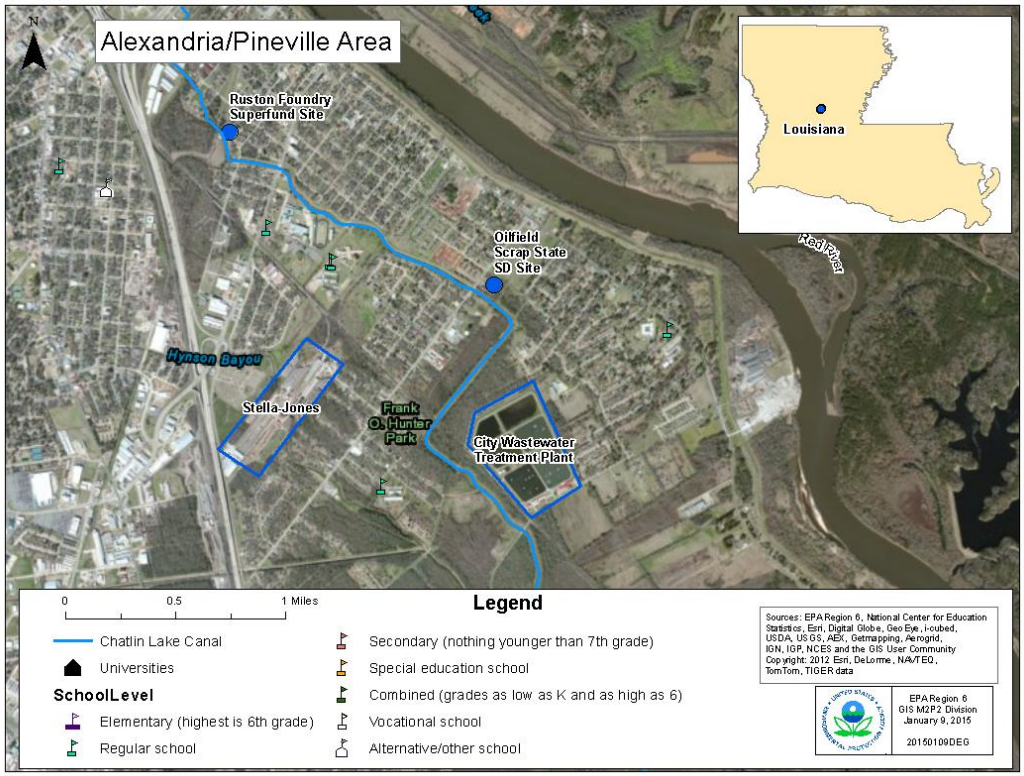
Attachment – Figure 1

1 and 1/2-mile area in red; the Red River separates Alexandria from Pineville. [Map may need to be updated with school information and other vulnerable areas]



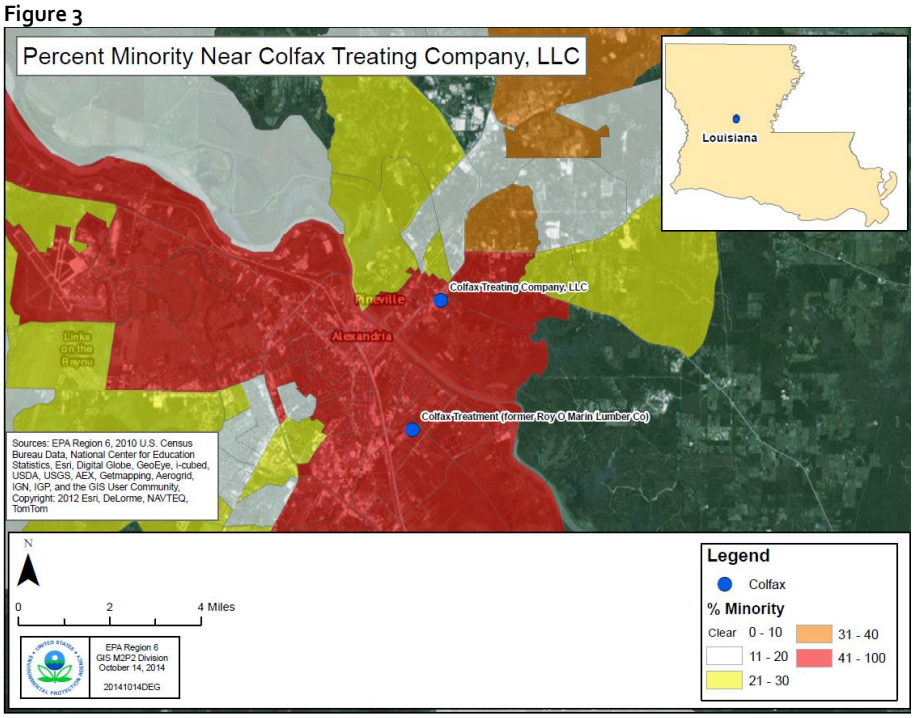
February 25, 2015

Figure 2 Sandy Bayou (Chatlin Lake Canal) receives runoff from Alexandria Iron, the Ruston Foundary, Oilfield Scrap, and also runs adjacent to schools. [Map may need to be updated with school information and other vulnerable areas]



February 25, 2015

Figure 3



Map shows percent minority near the two RCRA sites formerly known as Colfax , now known as Stella-Jones in Alexandria and Kisatchie in Pineville, LA.

Figure 4
Storage of Treated Timbers near rail tracks outside of facility fence on Eddie Williams Road near Stella-Jones in Alexandria.

Figure 5 Storage of treated timbers near Bethel Street at Stella- Jones in Alexandria

February 25, 2015

Figure 6 Oilfield Scrap Site Map showing areas scheduled for excavation of metals-contaminated soil. [Chatlin Lake Canal is denoted near the southern portion of the map]

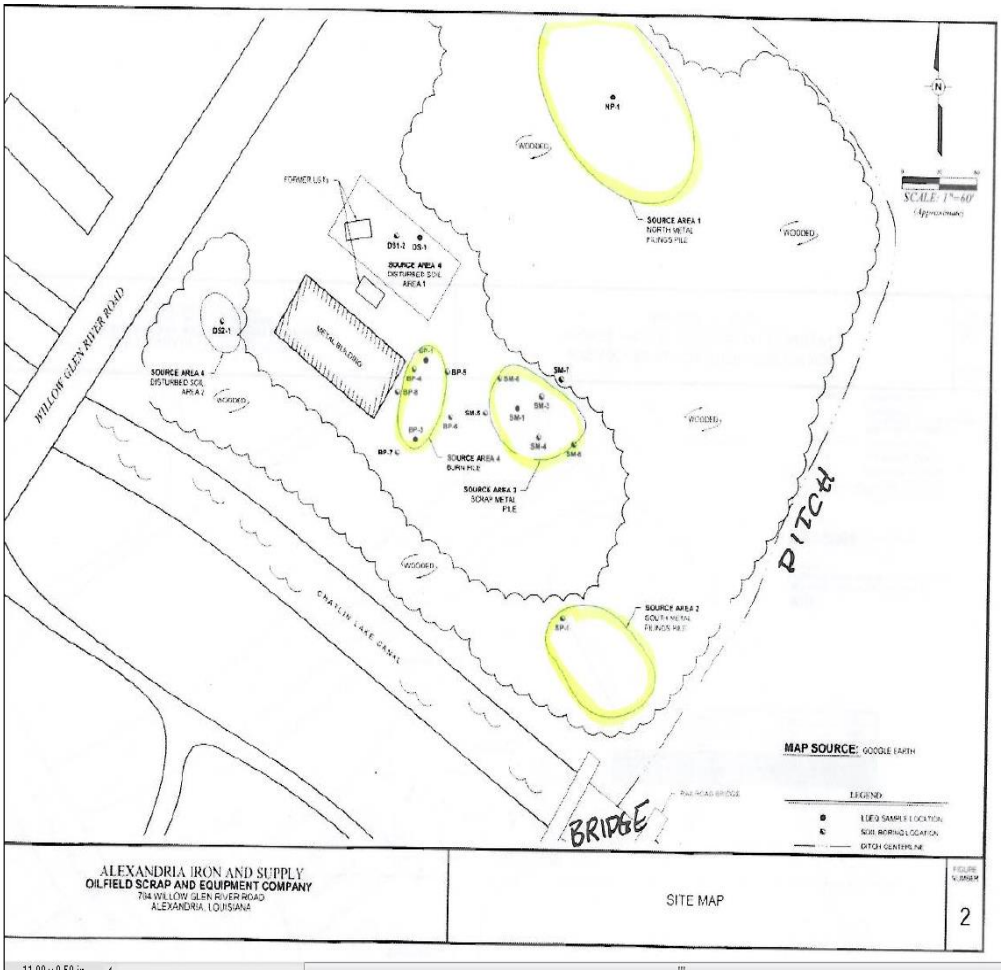
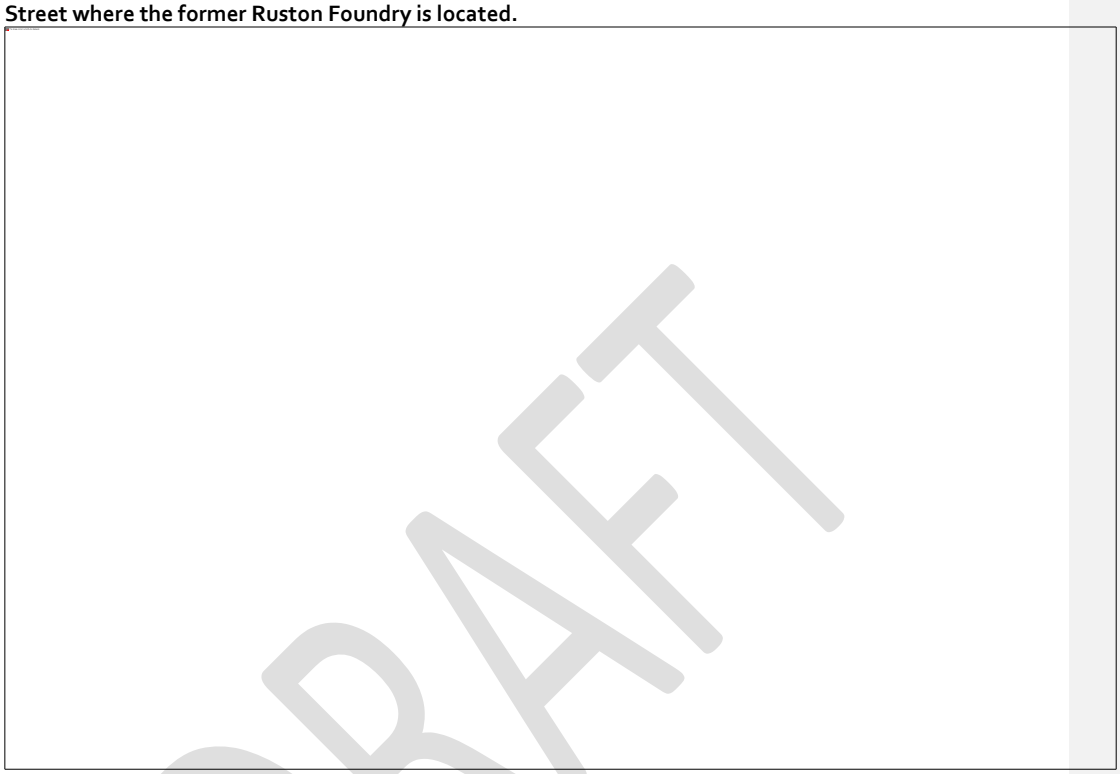
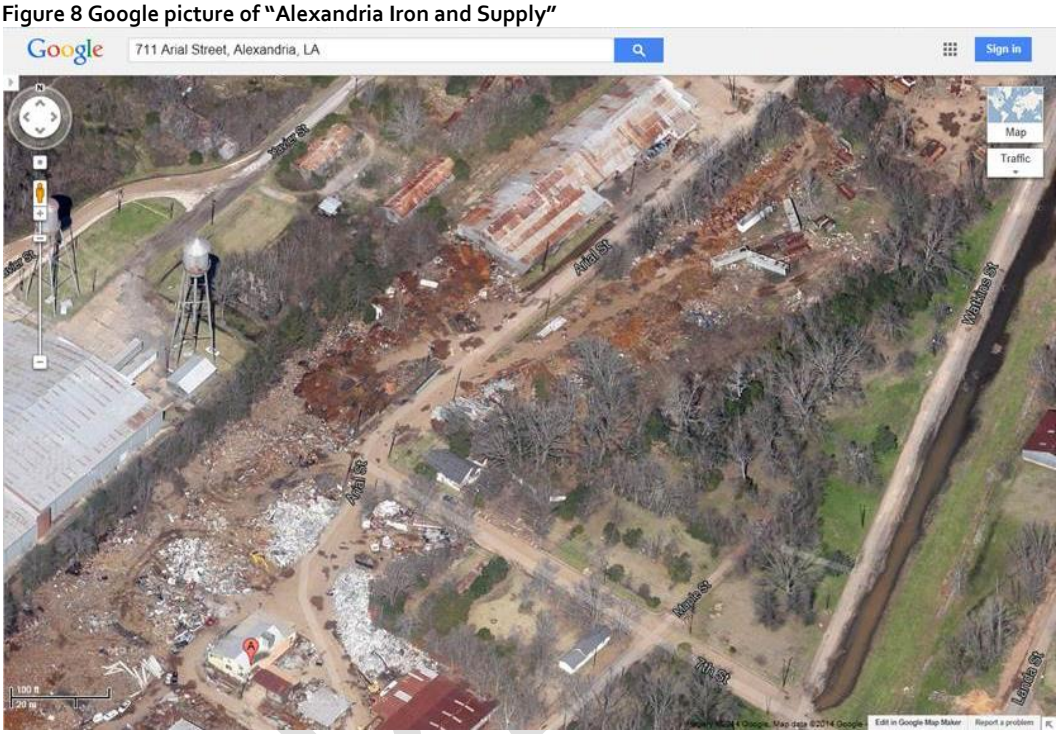


Figure 7 Google Picture of scrap iron at "Alexandria Iron" located on Arial Street – 3 blocks from Bogan Street where the former Ruston Foundry is located.



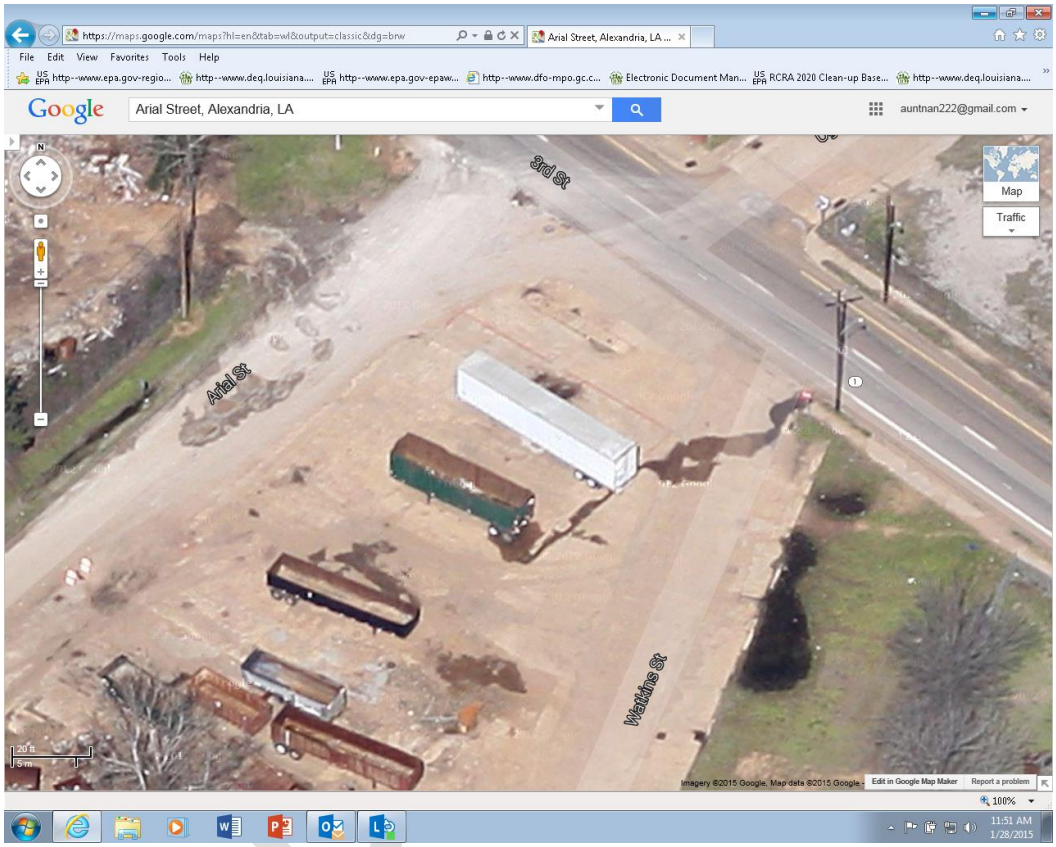
February 25, 2015

Figure 8 Google picture of "Alexandria Iron and Supply"



February 25, 2015

Figure 9 Google picture of "Alexandria Iron and Supply"



February 25, 2015

Potential Partners:

General Russel L. Honore Green Army – Agnes Francisco/Louisiana Environmental Action Network (LEAN)

Louisiana Department of Health and Hospitals (DHH)

National Partnership for Action (NPA)
[http://minorityhealth.hhs.gov/npa/files/Plans/Toolkit/NPA_Toolkit.pdf]

Partnership for Sustainable Communities

Louisiana College

Rapides Foundation

Lower Third Neighborhood Watch/Concerned Citizens – Sandra Bright

Louisiana Department of Wildlife and Fisheries
1995 Shreveport Hwy, Pineville, LA

EPA Resources: **C-FERST Community Assessment Tool/ http://www.epa.gov/heasd/c-ferst/**

http://www.epa.gov/research/healthscience/browser/introduction.html

http://www.rwmwd.org/vertical/sites/%7BAB493DE7-F6CB-4A58-AFE0-56D80D38CD24%7D/uploads/RWMWD_Cost_Share_Brochure_2013A.pdf

EPA web site with **green infrastructure** ideas; Various ecologically-based filtration systems, constructed in locations where urban stormwater runs or accumulates, have been shown to reduce contaminants in water by 29 to 99% (Birch et al., 2005; DiBlasi et al., 2008). Stormwater infiltration systems - such as grass swales, rain gardens, and stormwater bioretention facilities. The systems were able to remove 69% of suspended solids, 46% of phosphorous (Deletic and Fletcher, 2006), 51-56% of nitrogen (Dietz and Clausen, 2005; Deletic and Fletcher, 2006), 90% of polycyclic aromatic hydrocarbons (DiBlasi et al., 2008), and 29-93% of heavy metals (Birch et al., 2005).Also the use of Tree Filter Systems for stormwater control:http://www.ecolandscaping.org/11/stormwater-management/practical-application-tree-filter-systems/

http://water.epa.gov/infrastructure/greeninfrastructure/gi_what.cfm#raingardens

http://water.epa.gov/infrastructure/greeninfrastructure/gi_what.cfm#urban